

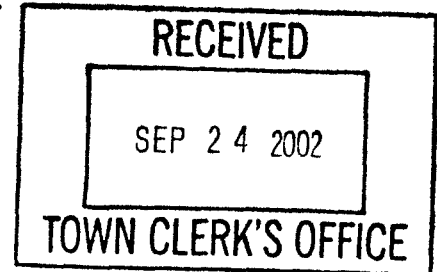
August 12, 2002

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1 Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

AUGUST 12, 2002

MEMBERS PRESENT: MICHAEL KANE
MICHAEL REIS
STEPHEN RIVERA



ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MICHELE BABCOCK
ZONING BOARD SECRETARY

ABSENT: LAWRENCE TORLEY, CHAIRMAN
LEN MCDONALD
MICHAEL BABCOCK, BUILDING INSPECTOR

REGULAR MEETING

MR. KANE: I'd like to call the August 12 meeting of the Zoning Board of Appeals. Can I have a motion to accept the minutes please?

MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

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PRELIMINARY MEETINGS:

STURTZ, ROBERT

No Show.

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LEBRON/CAHILL

No Show.

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PADEN, JOANN

No Show.

GMH MILITARY HOUSING LLC

Richard Drake, Esq. and Mr. James Sperry appeared before the board for this proposal.

MR. KANE: Request for unit density variances, Lot #1 - 15 ft. front yard; and Lot #2 - 33 ft. rear yard for construction of military housing at Stewart Terrace in an R-5 zone.

MR. DRAKE: My name is Richard Drake from Drake, Somers, Loeb, Tarshis and Catania, attorneys for the applicant, GMH. This parcel that we're talking about presently exists off of Route 207, just west of the airport, it's the military housing. It's been there for years and years and years. What has happened is that the government has taken these old military housing areas and some have been given to the Department of Navy, some have been given to the Department of Army, each one to work in conjunction with a civilian development company such as GMH. And this parcel of property has been this and other properties in there has been rezoned effective July 2 from a, I think it was an R-3 to an R-5, so it's presently zoned R-5. The property is owned in partnership with the Department of Navy, with GMH and after 50 years, well, first of all, the lot number 2 on the proposed subdivision map is the military portion of the property and it's proposed that there be 171 attached military units. After 50 years, that will revert back to the Department of Navy. Lot number, I hope I said that right, lot number 2 is 171 units for military and lot number 1 consisting of proposed 264 high end rental units would remain in ownership without reverting back to the Department of Navy but will remain in ownership between the Department of Navy and GMH after 50 years. These plans, various versions of them have been submitted to Mark Edsall, the engineer, and to the planning board and the planning board had approved one plan that had, and I'm going to let Jim--

MR. KANE: You straightened out the lot line.

MR. DRAKE: Yes, we have straightened out the lot line, by straightening out the lot line, we were asking for a

little bit more of a density variance but the thing just works better.

MR. KANE: Looks cleaner.

MR. DRAKE: Now, at this point, I'm going to give you Jim and he will explain just what it is that we want you, we'd like you to schedule us for a public hearing.

MR. SPERRY: My name is Jim Sperry with BL Companies, we're the civil engineers for the project. Real quickly, let me run you through two plans, show you how we got where we are tonight and what we're requesting if we can look at this one first, work with the planning board, we went through a few iterations on how this might go. We want to start out first, the project started out not requiring a subdivision. As 9-11 came and went because of the heightened security and there's a need to have a level of control and perimeter of the housing right now so hence the need to have more control on their portion of the site, in an attempt to minimize our request, we want to step back for a minute. We started out with a total of 699.818 acre parcel, if we utilize that, take the unit count as we have it right now, it's in compliance right on, all right, run the numbers, take the survey computations, it's there, that's the way we approached the project initially. As we got into it and the need request really from the Department of Navy we really have to subdivide this so we can have this level of control. We started to work with it and said we have a problem. This was essentially what we submitted to the planning board as close, we felt as we could come to minimize the need for a variance from the lot 1 area and military site maintains in compliance and in fact we're over it for the requirement per unit and we're about 1,800 square feet shy in this particular area. The planning board looked at it and said because of the fact we're playing with a line on paper here, it's not going, we'd rather have the quality of the project, let's put the line where it is, makes sense because we need a variance anyway. We went back and working on this again with the security issues we have to deal with right now, we reconfigured our submittal and the board said straighten the line out. We went back and

adjusted the line, we set it in compliance with all of our setback criteria and we established this line, added about a thousand square foot per unit to the level but there's a total as it stands now without the subdivision lot, it's in compliance. There are actually three actions that we're looking for out of this, working with Mark, we recognize that with this zoning change, some of the setback requirements change from R-3 to R-5, we now have, if we don't do anything at all, a pre-existing, non-conforming condition in two areas, one is a total of five units, excuse me, a total of nine units along this portion of the military housing that are in noncompliance, they are outside the hundred foot required rear yard setback, we're proposing to put it right on top of where these units are, we have five units and we have pulled in as far forward as we can, still trying to maintain a driveway unit so they have a usable drive. What we're doing is building the pre-existing condition and reduce the level of non-conformity but it is pre-existing, non-conforming. The other issue that came to light--

MR. KANE: How many feet do you need?

MR. SPERRY: 100 feet setback is what's required.

MR. KANE: You need 33.

MR. SPERRY: Exactly. The other is the fact that this parcel has been in noncompliance as far as street frontage requirement, ordinance requires 15 foot of street frontage, parcel doesn't have any. It exists here through an access easement from the Metropolitan Transportation Authority, that's been established, we don't know how long, it was originally built in the late '50's, early '60's, somewhere in the timeframe when this was established. Right now, there's no street frontage. My understanding this board I want to try to tighten it up so what we're asking for relief for pre-existing, non-conformance here, this situation is again we pulled it in, we're going to maintain the level of non-conformity so simply we're asking for the relief for the calculations necessary to subdivide this portion of it in order to give the military the ability to at the level of security and control as they call it

on the perimeter that they need. Before 9-11, this had been an open community, it has been for years and we'll be doing initial recap work for the project, come and go, drive through. Typically, now we have to go through the Red Rivers Program of rearranging and going through the security check points that they have right now, in fact, you're limited at that point to one ingress egress off Clark, this Clark Street extension that was there is completely barricaded off, so we can see what's happened since 9-11.

MR. KANE: So on the lot 1 variance, you need 1,800?

MR. DRAKE: 1,812.

MR. SPERRY: Our request is actually for 2,908.

MR. KANE: That's going to change.

MR. SPERRY: At the recommendation of the planning board.

MR. KANE: And you still need the 15 foot frontage on the lot 1 area?

MR. SPERRY: Lot 1 and lot 2.

MR. KANE: Then lot 2 is 15 frontage and 33 on the rear.

MR. SPERRY: Exactly and again we're only asking for that request.

MR. KANE: To clean that up at this point.

MR. SPERRY: Exactly.

MR. KANE: Steve and Mike, on the back of your new agenda, you'll see the minutes from the planning board so you can peruse that at your leisure.

MR. BABCOCK: Just so that there's no misunderstanding about the 1,812, there's a denial here for both plans, the 1,812 is the one with the crazy lot line.

MR. KANE: We already have a denial.

MR. BABCOCK: For the 2,908 is for the lot line that the planning board requested.

MR. KANE: Thank you, any other questions, gentlemen?

MR. REIS: Yeah, one second.

MR. RIVERA: Just wanted to ask what the property--the government is going to remain ownership of lot 2?

MR. SPERRY: Yes, throughout the entire project, the Department of Navy will have ownership clearly on this portion but they're also in partnership on the market rate section so they're involved in the property all the way through so essentially, you'll have the same owner.

MR. REIS: Michael, this whole site is located in an R-5?

MR. BABCOCK: Yes.

MR. REIS: And the density satisfies the R-5?

MR. BABCOCK: Yes, on the overall project, once they put the line in that the military's requesting creates these situations.

MR. KANE: That changes lot 1.

MR. REIS: Right.

MR. BABCOCK: When they went back to the planning board, they had the lot line which they took for advantage to make lot 1 as big as they could, planning board said it's a crazy looking lot line, if you need a variance, you don't need a variance, if there was no lot line, but since you're putting a lot line in, put one in that makes sense and get a variance.

MR. DRAKE: You can see by putting in, by making this lot line straight, you have this open area which you didn't before it's far less than that.

MR. KANE: Makes more sense, even though you have to go for a bigger variance.

MR. SPERRY: Just recently came into this even after the submission working with the board, guidelines, more than guidelines, they're mandated that military facilities, housing units, they have to be designed so you can't discuss the setbacks and some of the things that they have, but makes it very difficult if we had to go back to this scenario because of the fact that we now have a perimeter line much more invasive within their area, it's a real issue now because they feel they can't properly protect their folks. So it can be more of an issue, we were struggling, right now, there's going to be a clubhouse on the military side and because of the nature of that structure and it's, the inherent use you can have more folks, we had to do it, even more stringent. So on the perimeter, we had to work with those, they have nothing do with planning and zoning issues, but they do speak to perimeter lines so that again is just part of the, just all comes into the security issues that are involved in our design that we have to deal with.

MR. REIS: Just for information purposes, lot 2 is going, I understand it's not a question as far as you need a variance for just for informational purposes, what's the density?

MR. SPERRY: We've got a table on the plan lot 1 right now we have density of 4,000, excuse me, lot 2 we have 11,465 square foot per unit, code calls for 3,000 square feet so substantially over the area requirement per unit.

MR. REIS: How many units?

MR. SPERRY: We have 171 units in lot 2.

MR. REIS: Lot 1?

MR. SPERRY: 264.

MR. REIS: Lot 1 is strictly for civilian use, is that

accurate?

MR. SPERRY: It's designed for as a high end rental facility.

MR. REIS: For the public?

MR. SPERRY: Exactly.

MR. REIS: And/or military?

MR. SPERRY: Could be some military, could be, typically as they are today.

MR. REIS: And lot 2 is strictly military?

MR. SPERRY: Absolutely.

MR. REIS: What's their proposed use for is that Clark Street, Clark Avenue?

MR. SPERRY: Clark Street.

MR. REIS: Is that going to be opened up for egress ingress?

MR. SPERRY: The way this is being done too is that the roads within this entire project will remain as private roads. Any improvements that we're doing we're designing closer to the town road standard because some of these are substandard but they're going to remain as private roads and but we'll have this general public access into these units through Clark and we're trying to use the interior streets that are there as well and they'll be accessed into the various parking areas. In fact, we're fine tuning the layout of these, we're trying to get more of a community feel into the units so we're utilizing the road network more as internal network.

MR. REIS: Thank you.

MR. KANE: Any further questions?

MR. REIS: No. Accept a motion?

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MR. KANE: Yes, I will.

MR. REIS: I make a motion that we pass GMH Military Housing, set them up for a public hearing.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

PUBLIC HEARINGS

RILEY/BEECKAN

MR. KANE: Request for 14 ft. front yard variance for construction of porch with roof at 9 Broad Street in R-4 zone.

Mr. Tom Riley appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. RILEY: I need a variance for a front porch, I want to come out with the front porch 6 feet, house as it sits now I believe is passed where it's supposed to be. I have to have 27 feet, I want, it would be 21, I have pictures of the houses next to it that are out further than my house probably about by 4 feet and the house is on the street behind my house.

MR. KANE: How is this similar in size to other houses in the neighborhood?

MR. RILEY: Little bit smaller.

MR. KRIEGER: Other houses that extend further toward the road, will that be the case, if this is permitted to be constructed, the porch, will there still be people closer to the road or will you now be closer to the road?

MR. RILEY: There's a house up the street, someone just built a 6 x 8 porch that I guess you don't need a variance and that's definitely closer than my house. I sit down below, my yard is below the yard next to mine, it's not that I'm blocking anybody from above me, there's a considerable drop, even the house next to mine is out passed mine, the house passed it is out further and the one passed that is out further.

MR. KANE: The other consideration for the porch on the front is stepping out the front door would be a safety hazard without it, obviously?

MR. RILEY: Yeah.

MR. KANE: You're going to be creating any runoffs or water hazards in building this deck?

MR. RILEY: No.

MR. KANE: Any cutting down of trees?

MR. RILEY: No.

MR. KANE: Crossing any easements?

MR. RILEY: Water lines, something like that or what's an easement exactly?

MR. KANE: That's where somebody has a right-of-way.

MR. RILEY: No.

MR. BABCOCK: There's a survey in the file and there's no easements shown in that area.

MR. KANE: Thank you, Michael. Gentlemen, do you want to open it up?

MR. KRIEGER: How's your lot serviced, water, do you have well or septic?

MR. RILEY: I have water, town water.

MR. KRIEGER: Town sewer?

MR. RILEY: Yes.

MR. KANE: Open it up to the public at this point. Is there anybody in the public that wishes to speak on this issue? No? So we'll close it up. Gentlemen, any questions? Just for the record, we sent out 54 addressed envelopes and none returned. Okay, Mike?

MR. REIS: Accept a motion?

MR. KANE: Yes.

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MR. REIS: Make a motion that we pass Riley/Beeckan requested variance for 9 Broad Street.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

THOM, DAVID

MR. KANE: Request for 35 ft. and 32.5 ft. front yard variances for existing decks and 27.66 ft. front yard variance for existing addition, plus 6.3% developmental coverage for residence with three front yards at 104 John Street in an R-4 zone.

Mr. David Thom appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. THOM: A deck, well, you call them front decks, but it's a deck to the left of my house and a bathroom on the rear, I guess since it's a triangular lot, they're all front.

MR. KANE: Very unusual piece of property.

MR. THOM: Yes, there's the bathroom.

MR. REIS: Is this the property located on 9W and John Street?

MR. KANE: Yes. Even though this is basically a self-created hardship, this is a very unusual piece of property.

MR. THOM: Right.

MR. KANE: Did you create any water hazards or runoffs in the building of these decks?

MR. THOM: No.

MR. KANE: And even though the 63 percent developmental coverage is extreme, there's really nothing else you can do with this piece of property?

MR. THOM: Right.

MR. REIS: These structures being there hasn't created any kind of, there's still enough sight distance, hasn't created a hardship as far as traffic's

concerned?

MR. THOM: Not at all.

MR. KANE: Have you had any complaints informally or formally about those decks?

MR. THOM: Not at all.

MR. REIS: What brings you to the board?

MR. THOM: I needed a variance for the State of New York, there's a line, the end of the deck is very close to this, to the State marker.

MR. REIS: They required this?

MR. THOM: Yes.

MR. KANE: He has the three front yard variances because he has three front yards on that piece of property. At this time, we'll open it up. Is there anybody else in the public that would like to speak on this? And for the record, we sent out 55 addressed envelopes regarding this request. We'll close the public session.

MR. REIS: David, are any of these variances required as a result of a recent addition to your home or are these fairly--

MR. THOM: No, these were put on in '93.

MR. KRIEGER: Both decks and addition were put on in '93?

MR. THOM: Bathroom was put on in the late '70's, two decks were put on in '93.

MR. BABCOCK: When he came in to visit us about the one deck we did an abstract letter and kind of breaks out all these things and we felt that since he's coming to the board, he should get them all straightened out as he is here now, the bathroom has been there for years and years, it's the only bathroom he has in the house.

MR. KRIEGER: And these decks basically fill in indentations in the house where it would occur anyway?

MR. THOM: They're not attached to the house, they're freestanding.

MR. KANE: One in the front that covers your front door, does that cover any kind of an indentation in the ground right there for a safety hazard?

MR. THOM: There was an indentation but it was full of privet hedges which I pulled out.

MR. KANE: Any trees cut down?

MR. THOM: Oh, no, no, I have added some on the property.

MR. KANE: House itself is not bigger than any other single family home in the area?

MR. THOM: Nope, not by any means.

MR. KANE: Gentlemen, accept a motion.

MR. REIS: Yes.

MR. RIVERA: Yes, Mr. Chairman, I'd like to make a motion that we grant the requested variances for Mr. David Thom and each identified number one for the front deck, the existing bathroom addition and the variance of 63 percent as required.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. KRIEGER: Two front decks and developmental coverage, correct?

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MR. KANE: Correct.

LOVANO, JUDITH

Mr. and Mrs. Joseph Lovano appeared before the board for this proposal.

MR. KANE: Request for variation of Section 48-14A(4) of Supplemental Yard Regulations for proposed shed which will project closer to road than principle structure at 66 Beaver Brook Road in an R-4 zone. Tell us again what you would like to do.

MR. LOVANO: We want to put a storage shed off of our driveway. Our house is, we have a front acre of woods that you drive down to our home with a drive in front and we want to put a shed and it's between the house and the road and that's why we need a variance.

MR. KANE: Okay, and where the shed will be visible from the road?

MR. LOVANO: No, it's down, what our front acre is a hillside coming down, it's all woods and it would be set in front of the house.

MR. KANE: If I remember this correctly from the preliminary hearing even in the winter you won't be able to see the shed from the road.

MR. LOVANO: Right.

MR. KANE: You will not be, if I remember again, you will not be cutting down any trees to put the shed up?

MR. LOVANO: There's a little clearing area of thorn bushes.

MR. KANE: Not creating any hazards or runoffs?

MR. LOVANO: No.

MR. KANE: Shed itself will be similar in size to other sheds in the area?

MR. LOVANO: Yeah, we were thinking of doing this from Mr. Shed, this one, but we might take it up just a

little bit.

MR. KANE: You're not putting up a three story shed?

MR. LOVANO: No.

MRS. LOVANO: Just something for the lawn mower, I'm not building another house.

MR. KRIEGER: If I remember correctly, most of the lot is wooded, this is the one area where it's, where clearing is going to not require tree removal?

MR. LOVANO: Right.

MRS. LOVANO: It's right at the edge of a full acre of woods right at the edge.

MR. LOVANO: Right off our drive.

MR. KANE: Okay, for the record, 39 notices were sent out and we'll now--gentlemen, any questions?

MR. REIS: No.

MR. KANE: We'll open it up to the public. Doesn't look like much of a public. We'll close the public and any other questions?

MR. RIVERA: How many letters were sent out? Do we have a record of that?

MR. KANE: 39, no returns, no public at the meeting.

MR. REIS: I don't know if it was mentioned, is there a real reason you have to put this in the front that requires the variance?

MR. LOVANO: Yeah, the way our property is set up, we have a pool and a fenced area to put the shed behind, it would require trucks and people going through all our lawn behind the house, we have like a 3 1/2 acre area and whole back two meadows is grass and just having it off the front near the garage, it's just a location is perfect for it.

MR. KANE: Less invasive.

MR. LOVANO: Also just to deal with the property.

MR. REIS: Thank you.

MR. LOVANO: On our application, we said the shed was going to be 10 x 12, but if I get the 12 x 14, that shouldn't be a problem?

MR. KANE: Wouldn't make a difference. Not why you're here. Closer to the road than the house, that's the main issue.

MR. LOVANO: Right.

MR. KANE: Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: I make a motion that we pass the Lovano's requested variance for the 66 Beaver Brook Road property.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

PUGLIA, JANET

MR. KANE: Request for 5 ft. side yard and 7 ft. rear yard variances for proposed attached pool deck at 5 Birchwood Drive in an R-5 zone.

Ms. Janet Puglia appeared before the board for this proposal.

MR. KANE: You're on, Janet.

MS. PUGLIA: And a deck for safety reasons.

MR. KANE: For your swimming pool?

MS. PUGLIA: Yes, this is the deck and we put up half of it, this is what the deck will be on the side, see the ledge.

MR. KANE: As we talked, this deck is not going to be connected to the other deck, you're going to have a walk down or trying to remember this?

MS. PUGLIA: It's all one deck.

MR. KANE: Michael, the variances are correct for all one deck?

MR. BABCOCK: Yes, that's the reason because it's, we considered it attached, yes.

MR. REIS: Is this an above-ground pool?

MS. PUGLIA: Yes.

MR. KANE: She had permission to build the one portion of the deck. In the building of the decks, are you going to be creating any water hazards or runoff?

MS. PUGLIA: No.

MR. KANE: Cutting down of any trees or vegetation?

MS. PUGLIA: No.

MR. KANE: Deck in similar size to other decks in the neighborhood?

MS. PUGLIA: Yes.

MR. KANE: Again, you really want the deck as a safety issue for the pool, too?

MS. PUGLIA: Right.

MR. KANE: Any questions, gentlemen? We'll open it up to the public. Public has nothing to say. We'll close it to the public. Gentlemen?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will. One thing for the record, I'm not used to this job so you'll have to bear with me, we sent out 78 addressed envelopes, no returns, nobody in the public.

MR. REIS: Make a motion that we pass the requested variance for Janet Puglia at 5 Birchwood Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

FORMAL DECISIONS

1. TRAPP
2. COPLAN
3. ROBERTS

MR. RIVERA: Make a motion that we pass them in total.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE


MR. RIVERA: Motion to adjourn.

MR. REISS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

9/9/02

In the Matter of the Application of

DIANE TRAPP

MEMORANDUM
OF DECISION
GRANTING
VARIANCES

#02-26.

WHEREAS, DIANE TRAPP, 115 Glendale Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for 9.5 ft. rear yard variance for an existing deck and 8 ft. side and rear yard variances for an existing shed, at the above location, in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The Applicant seeks a variance for an existing shed and deck. The shed and deck have been constructed and in place for more than ten (10) years.

(c) During the time that the shed and deck have been in place, no complaints have been made either formal or informal.

(d) The deck and shed are both similar to other sheds and decks in the neighborhood.

(e) Neither the shed nor the deck creates any water hazard, diverts the flow of drainage, or creates ponding or collection of water.

(f) The property is irregularly shaped.

(g) The deck is necessary for the safety of occupants of the house since persons exiting the rear of the home would fall a considerable distance without its existence.

(h) Neither the shed nor the deck is built on top of any water or sewer easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 9.5 ft. rear yard variance for an existing deck and an 8 ft. rear and side yard variance for existing shed, at the above address, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 12, 2002.



Chairman

-----X
In the Matter of the Application of

KAREN COPLAN

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-09.
-----X

WHEREAS, KAREN COPLAN, 18 Cherie Lane, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 23.8 ft. front yard variance for an existing single-family dwelling with attached garage at the above location, in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Joel Coplan, Applicant's husband for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The property is situated so that it has, legally, three front yards although visually it appears to have a front yard and two side yards.

(c) The garage for which the variance is sought does not appear visually to project closer to the roadway than the main structure and only projects to the roadway because of the unique location and shape of the lot.

(d) The garage does not impair the vision of motorists on the adjacent traveled roadway.

(e) The garage does not affect the drainage of water, or cause any ponding or collection of water.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

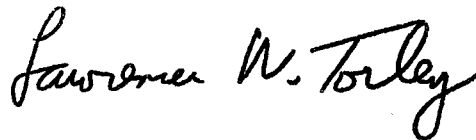
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 24.8 ft. front yard variance for an existing single-family dwelling with attached garage, at the above address, in an R-4 zone, as

sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 12, 2002.

A handwritten signature in cursive script, reading "Lawrence W. Torley".

Chairman

-----X
In the Matter of the Application of

DONALD ROBERTS

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-15.
-----X

WHEREAS, DONALD ROBERTS, 2177 Little Britain Road, Rock Tavern, New York 12575, has made application before the Zoning Board of Appeals for a 28 ft. rear yard variance for an existing addition and deck at the above location, in an R-1 zone; and

WHEREAS, a public hearing was held on the 13th day of May, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Stewart P. Glenn, Esq. appeared with the Applicant for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) Approximately ten years ago the Applicant converted an existing garage to a room and constructed a deck. Due to the irregular shape of the property, the addition and deck encroached on the allowable rear yard.

(c) Since the construction of the deck and addition, there have been no complaints either formal or informal.

(d) The property is directly in front of a lake as well as being irregularly shaped.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 28 ft. rear yard variance for an existing addition with deck at 2177 Little Britain Road, in an R-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: July 8, 2002.

Lawrence W. Torley

Chairman